

State Water Resources Control Board

February 1, 2019

System No. 1000324

RON KINNERSLEY
MANNING GARDENS CARE CENTER, INC.
2113 E. MANNING AVE.
FRESNO, CA 93725

**CITATION NO. 03-23-19C-029
LEAD AND COPPER MONITORING VIOLATION
FOR 2018**

Enclosed is Citation No. 03-23-19C-029 (hereinafter "Citation"), issued to the MANNING GARDENS CARE CENTER, INC. (hereinafter "System") public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The MANNING GARDENS CARE CENTER, INC. will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

The MANNING GARDENS CARE CENTER, INC. will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the MANNING GARDENS CARE CENTER, INC. for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the

30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact the Fresno District at (559) 447-3300.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jose A. Robledo', is written over the printed name.

Jose A. Robledo, District Engineer
Division of Drinking Water
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Enclosures

Certified Mail No. 7016 3010 0000 0446 4509

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: MANNING GARDENS CARE CENTER, INC.

Water System No: 1000324

Attention: RON KINNERSLEY
2113 E. MANNING AVE.
FRESNO, CA 93725

Issued: February 1, 2019

CITATION FOR NONCOMPLIANCE
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64675 AND
64675.5

LEAD AND COPPER MONITORING VIOLATION
2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part

12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 03-23-19C-029 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the MANNING GARDENS CARE CENTER, INC. (hereinafter "System"), for violation of California Code of Regulations (hereinafter "CCR"), Title 22, Section 64675 and 64675.5

STATEMENT OF FACTS

The MANNING GARDENS CARE CENTER, INC. is classified as a community public water system with a population of 144, serving 1 connection.

CCR, Title 22, Chapter 17.5 requires that public water systems maintain a monitoring program for lead and copper levels at the consumers' tap. The minimum number of tap sample sites required for the public water system is based on the population served and whether the public water system is on an initial, a standard or a reduced monitoring schedule. The annual monitoring schedule for the MANNING GARDENS CARE CENTER, INC. was 5 lead and copper samples due in 2018. The State Water Board has not received the analytical results to show that the 2018 lead and copper monitoring was conducted.

The Lead and Copper Rule Reporting Form must also be completed and submitted to the State Water Board no later than the 10th day of the month after the end of each period during which such sampling or monitoring was conducted. A summary of the MANNING GARDENS CARE CENTER, INC. monitoring results on file with the State Water Board is provided in Appendix 5.

DETERMINATION

The MANNING GARDENS CARE CENTER, INC. was required to collect a minimum of 5 lead and copper samples during 2018. The MANNING GARDENS CARE CENTER, INC. failed to collect the required number of lead and copper analytical samples for 2018. Therefore, the State Water Board has determined that the MANNING GARDENS CARE CENTER, INC. has failed to comply with CCR, Title 22, Section 64675 during 2018.

DIRECTIVES

The MANNING GARDENS CARE CENTER, INC. is hereby directed to take the following actions:

1. The MANNING GARDENS CARE CENTER, INC. must ensure that its lead and copper monitoring program is maintained in accordance with the Lead and Copper Rule (CCR, Title 22, Sections 64670 through 64690.80) and that the analytical results are reported to the State Water Board by the 10th day of the month after the end of each period during which such sampling or monitoring was conducted. Appendix 3: Lead and Copper Rule Reporting Form must also be completed and submitted to the State Water Board by the 10th day of the month after the end of each period during which such sampling or monitoring was conducted.
2. By **March 31, 2019** notify all persons served by the MANNING GARDENS CARE CENTER, INC. of the violation of CCR, Title 22, Section 64675, in conformance with Sections 64463.4 and 64465. Appendix 1: Notification Template must be used to fulfill this Directive, unless otherwise approved by the State Water Board. and the contents of the public notice must be approved by the State Water Board prior to issuance. **The MANNING**

1 **GARDENS CARE CENTER, INC. must edit the wording of the notification**
2 **template as necessary.** The notification must be completed in accordance
3 with the following:

- 4 • By mail or direct delivery of the Public Notification to each customer served
5 by the water system and;
- 6 • By one of the following secondary methods to reach persons not likely to
7 be reached by mail or direct delivery;
 - 8 ➤ By publication in a local newspaper, by delivery to community
9 organizations or by posting in conspicuous public places served by the
10 water system or on the internet. If the water system opts to issue the
11 notice via internet website, the public notice must remain posted for a
12 minimum of seven (7) consecutive days.

13
14 The MANNING GARDENS CARE CENTER, INC. must determine
15 which option will be used to conduct the secondary distribution of the
16 notice and notify the State Water Board of their decision no later than
17 **February 28, 2019.**

- 18
19 3. Complete Appendix 2: Compliance Certification Form. Submit it together with
20 a copy of the public notification required by Directive 2 to the State Water
21 Board on or before **March 31, 2019.**
- 22
23 4. Include this violation in the 2019 Consumer Confidence Report in accordance
24 with CCR, Title 22, Section 64481(g)(1).
- 25
26 5. The MANNING GARDENS CARE CENTER, INC. must collect 5 lead and
27 copper samples between June through September 2019. Appendix 3: Lead
28 and Copper Rule Reporting Form shall be used to submit the results of this

1 monitoring to the State Water Board. by the 10th day of the month after the
2 end of the period during which such sampling or monitoring was conducted.

- 3
4 6. By **February 11, 2019** complete and return to the State Water Board the
5 "Notification of Receipt" form attached to this Citation as Appendix 4.
6 Completion of this form confirms that the MANNING GARDENS CARE
7 CENTER, INC. has received this Citation and understands that it contains
8 legally enforceable directive(s) with due dates.
9

10 All submittals, required by this Citation, unless otherwise specified in the directives
11 above, must be electronically submitted to the State Water Board at the following
12 address. The subject line for all electronic submittals corresponding to this Citation
13 shall include the following information: Water System name and number, citation
14 number and title of the document being submitted.

15
16 Jose A. Robledo, District Engineer
17 State Water Resources Control Board
18 Division of Drinking Water, Fresno District
19 265 W. Bullard Ave, Suite 101
20 Fresno, CA 93704
21 Dwpdist23@waterboards.ca.gov
22

23 The State Water Board reserves the right to make modifications to this Citation as it
24 may deem necessary to protect public health and safety. Such modifications may
25 be issued as amendments to this Citation and shall be effective upon issuance.
26

27 Nothing in this Citation relieves the MANNING GARDENS CARE CENTER, INC. of
28 its obligation to meet the requirements of the California SDWA (CHSC, Division 104,
29 Part 12, Chapter 4, commencing with Section 116270, or any regulation, standard,
30 permit or order issued or adopted thereunder.
31

PARTIES BOUND

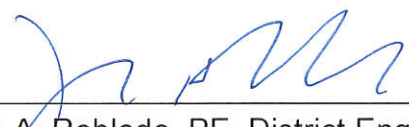
This Citation shall apply to and be binding upon the MANNING GARDENS CARE CENTER, INC., its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the MANNING GARDENS CARE CENTER, INC. shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.



Jose A. Robledo, PE. District Engineer
Fresno District
State Water Resources Control Board
Division of Drinking Water

2/1/19

Date



1 Appendices:

2

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1. Notification Template
2. Compliance Certification Form
3. Lead and Copper Reporting Form
4. Notification of Receipt
5. Lead and Copper Monitoring Results Summary

Certified Mail No. 7016 3010 0000 0446 4509

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

Lead and Copper Monitoring Requirements Not Met for MANNING GARDENS CARE CENTER, INC. During 2018

Our water system failed to monitor as required for drinking water standards during 2018 and, therefore was in violation of the regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2018 we did not meet all requirements for lead and copper monitoring throughout the distribution system and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the 2018, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were (or will be) taken
Lead and Copper				

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

For more information, please contact:

[Name of Contact] _____

[Phone Number] or _____

[Mailing Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by MANNING GARDENS CARE CENTER, INC., System number 1000324.

Date distributed: _____

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number: 03-23-19C-029

Name of Water System: MANNING GARDENS CARE CENTER, INC.

System Number: 1000324

Certification

I certify that the users of the water supplied by this water system were notified of the lead and copper monitoring violation of California Code of Regulations, Title 22, Section 64675 for the compliance period of 2018 and the required actions listed below were completed.

Required Action	Date Completed
<i>(Citation Directive 1) Public Notification Method(s) Used:</i>	
<i>(Citation Directive 1) Complete and Submit Lead and Copper Reporting Form</i>	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed to the water system's customers with a copy of the Lead and Copper Reporting Form.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN March 31, 2019
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Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 3: LEAD AND COPPER REPORTING FORM



State Water Resources Control Board

Division of Drinking Water

Lead and Copper Tap Sample Results Reporting Form

This form must be submitted by the public water system to the regulating entity (DDW District Office or County Agency) for each round of lead and copper sampling

Report Date: (mm/dd/yyyy)	
Water System Name:	
Water System Number:	
Water System Type:	<input checked="" type="radio"/> Community <input type="radio"/> Non-Transient, Non Community
Monitoring Frequency:	<input type="radio"/> 6-month <input type="radio"/> Annual <input type="radio"/> Triennial
# of Samples Required:	
# of Samples Reported:	
	90th Percentile Level (mg/L)
Lead: Action Level = 0.015 mg/L	
Copper: Action Level = 1.3 mg/L	

				Result	
	Sample Date	Sample Site Location/Address	Tier 1, 2, 3, or R	Lead (mg/L)	Copper (mg/L)
01					
02					
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Division of Drinking Water
Lead and Copper Tap Sample Results Reporting Form

Sampling Site Change

Each round of sampling should be conducted at the same sampling sites. If an original sampling site is not available, you should collect a tap sample from another site meeting the same Tier criteria as the original site.

You must complete/submit the *Lead and Copper Tap Sampling Site Change* form.

Notification of Results

As required by *40 Code of Federal Regulations Section 141.85(d)*, within 30 days of learning of the tap monitoring results, I notified the participants, by mailing or by another method approved by the State, of the lead sample results from their individual taps, provided an explanation of the health effects of lead, listed steps the consumer could take to reduce exposure to lead, provided contact information for the water utility, the maximum contaminant level goal for lead, action level for lead, and any definitions.

Notification was done on _____ by _____
(date)

Direct Mail
☐ Posting in public area (NTNC systems only)
☐ Other (please specify below)

For general information on lead and copper tap sampling, you can refer to the *SWRCB Lead and Copper Tap Sample Results Guidance Document*. If you have any questions or comments, please contact your regulating entity (Division of Drinking Water District or County Agency).

SIGNATURE:	DATE:
NAME (Print):	TITLE:

Division of Drinking Water
Lead and Copper Tap Sample Results Reporting Form

				Result	
	Sample Date	Sample Site Location/Address	Tier 1, 2, 3, or R	Lead (mg/L)	Copper (mg/L)
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	Sample Date	Sample Site Location/Address	Tier 1, 2, 3, or R	Result	
				Lead (mg/L)	Copper (mg/L)
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Appendix 4 Notification of Receipt

Citation Number: 03-23-19C-029

Name of Water System: MANNING GARDENS CARE CENTER, INC.

System Number: 1000324

Certification

I certify that I am an authorized representative of the MANNING GARDENS CARE CENTER, INC. and that Citation No. 03-23-19C-029 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the MANNING GARDENS CARE CENTER, INC. and it is clearly understood that Citation No. 03-23-19C-029 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN February 11, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

Individual System Lead and Copper Rule Tracking Report

1000324 MANNING GARDENS CARE CENTER, INC. Pop: 59 Eng: JAR Lead Action Level: 0.015 mg/L Copper Action Level: 1.3 mg/L

Sample Date Begin/(End)	Monitoring Period	Sample Set ID	Number Required	Number Sampled	Lead 90th % (mg/L)	Copper 90th % (mg/L)	Action Taken	Action Type	Next Due Date	Next Due Freq	Comments
(2/22/1999)	6M1ST-1999	1st 6	5	5	<0.005	<0.05					FC entered
(12/10/1999)	6M2ND-1999	2nd	5	5	<0.005	<0.05					FC entered
(5/4/2004)	6M1ST-2004	1st A	8	5	0.008	0.23					FC entered
(5/31/2006)	6M1ST-2006	2nd A	5	5	0.0025	0.053			11/30/2006	2nd 6	FC posted. (CDPH: per FC Insp 10/24/05. CDPH assigned freq. based on review of data + no exceedances. 1st 6 starting 5/31/06).
(12/1/2006)	6M2ND-2006	T1	5	5	0.0082	<0.05			9/30/2007	A1	CDPH Posted.
(3/13/2007)	YR2007	A1	5	5	<0.005	<0.05			9/30/2010	A2	CDPH Posted.
(7/28/2012)	YR2012	A2	5	5	0.0027	0.089			9/30/2015	T1	
(6/22/2015)	3Y2013-2015	T1	5	5	0.0255	0.0135			9/30/2016	1st 6	
(8/30/2016)	6M2ND-2016	1st 6M	5	5	0.00445	0.0185			2/28/2017	2nd 6	The system has not resampled Room 17 as required per letter 6/22/2016.
(2/14/2017)	6M1ST-2017	2nd 6M	5	5	0.0027	0.0175			9/30/2018	A1	

Legend:

Cit: Citation
 EL: Enforcement letter
 1st 6: 1st initial 6-mo. round of monitoring
 2nd 6: 2nd initial 6-mo. round of monitoring
 A1: 1st Annual monitoring
 A2: 2nd Annual monitoring
 T1: 1st Triennial (3 yr) monitoring
 T2: 2nd Triennial (3 yr) monitoring
 T3: 3rd Triennial (3 yr) monitoring